

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**PATRICIA SEWELL,  
PLAINTIFF,**

**VS.**

**THARON DOUGLAS COWELL AND  
ZOELLNER CONSTRUCTION CO.,  
INC.,  
DEFENDANTS.**

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**CIVIL ACTION NO. \_\_\_\_\_**

**DEFENDANTS' NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW Defendants Tharon Douglas Cowell and Zoellner Construction Co., Inc. in the above entitled and numbered cause and file this Notice of Removal under 28 U.S.C. §1446(a).

A. Introduction

1. Plaintiff is PATRICIA SEWELL, an individual residing in Tarrant County, Texas. Plaintiff appears by and through Douglas R. Hafer, CARNUTT & HAFFER, L.L.P., 101 East Park Row, Arlington, Texas 76010; telephone number 817-548-1000.

2. On August 19, 2015, Plaintiff sued Defendants over an automobile accident. The suit was filed in the 415<sup>th</sup> District Court of Parker County, Texas.

3. Defendant THARON DOUGLAS was served with the suit on or about August 25, 2015. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b).

4. Defendant ZOELLNER CONSTRUCTION CO., INC. was served with the suit on or about August 28, 2015. Defendant files this notice of removal within the 30-day time period required by 28 U.S. C. §1446(b).

B. Basis for Removal

5. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Darden v. Ford Consumer Fin. Co.*, 200 F.3d 753, 755 (11th Cir. 2000). Plaintiff is a citizen of Tarrant County, Texas. Defendant ZOELLNER CONSTRUCTION CO., INC. is a corporation incorporated in the State of Missouri with its principal place of business located at 875 PCR 500, Perryville, Perry County, Missouri 63775. Defendant was doing business in the State of Texas at the time of the incident made the basis of this lawsuit. Defendant THARON DOUGLASS COWELL is a resident of the state of Missouri residing at HCR 64, Box 505, Grassy, Bollinger County, Missouri 63753. The amount in controversy exceeds \$75,000, excluding interest, costs, and attorney fees. 28 U.S.C. §1332(a) as Plaintiff is seeking monetary relief in a sum over \$200,000.00 but not greater than \$1,000,000.00.

6. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a).

7. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the action has been pending is located in this district.

8. Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

C. Jury Demand

9. Plaintiff demanded a jury in the state court action.

D. Conclusion

10. This Court has the proper jurisdiction on this matter as there is a complete diversity of the parties and the amount in controversy exceeds \$75,000, excluding interest, costs, and attorney fees. For these reasons, Defendants ZOELLNER CONSTRUCTION CO., INC. and THARON DOUGLAS COWELL ask the Court to remove the action to this federal court.

Respectfully Submitted,

/s/ Dana L. Ryan

DANA L. RYAN

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ATTORNEYS FOR DEFENDANTS

THARON DOUGLAS COWELL AND

ZOELLNER CONSTRUCTION CO., INC.

**CERTIFICATE OF SERVICE**

This is to certify that, on this the 17th day of September, 2015, a true and correct copy of the foregoing document was forwarded to all counsel of record as follows:

Douglas R. Hafer	_____	Hand Delivery
Curnutt & Hafer, L.L.P.	<u>  xx  </u>	Facsimile
101 East Park Row	_____	Certified Mail, Return Receipt Requested
Arlington, Texas 76010	_____	Receipted Commercial Delivery
Facsimile 817-548-1070	_____	Regular U.S. Mail
E-Mail: dhafer@curnutthafer.com	_____	Served Electronically

*Attorney for Plaintiff, Patricia Sewell*

/s/ Dana L. Ryan  
Dana L. Ryan